

REMARKS

Claims 41-48 are pending. Claims 41 and 42 have been canceled without prejudice. Claims 45-48 have been amended to more particularly point out the subject matter which applicant regards as the invention. New claims 49-52 have been added. Applicant submits that these amendments raise no issue of new matter. Thus, claims 43-52 are now pending and under examination.

In view of the arguments set forth below, applicant maintains that the Examiner's rejections made in the June 6, 2003 Office Action have been overcome, and respectfully requests that the Examiner reconsider and withdraw same.

Obviousness-Type Double Patenting Rejection

The Examiner rejected claims 43 and 44 as allegedly unpatentable over claims 1-14 of U.S. Patent No. 5,948,658 and claims 1-23 of U.S. Patent No. 6,280,987. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because they claim the same catalytic antibody or polypeptide, the only difference being that the instant claims are drawn to humanized catalytic antibodies or polypeptides. The Examiner further states that the methods of making an antibody humanized are well known in the prior art.

In response to the Examiner's rejection, but without conceding the correctness thereof, applicant submits herewith as **Exhibit A** a terminal disclaimer in compliance with 37 C.F.R. 1.130(b). Applicant maintains that the filing of this terminal disclaimer overcomes the Examiner's obviousness-type double patenting rejection of claims 43 and 44.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 45-48 under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards

as the invention. Specifically, the Examiner states that claims 45-48 are confusing and indefinite in the recitation of "the antibody of claim 41".

In response, applicant has amended claims 45-48 to recite "the antibody of claim 43". Applicants maintain that claims 45-48 are definite and satisfy the requirements of 35 U.S.C. §112, second paragraph.

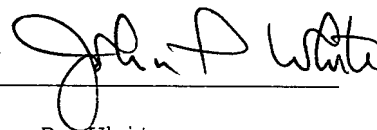
Summary

In view of the remarks made herein, applicant maintains that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

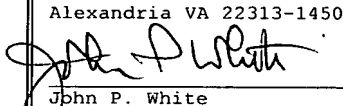
Respectfully submitted,



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